



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order to end the tenancy early and receive an order of possession.

The landlord attended the teleconference hearing which began promptly at 9:30 a.m. Pacific Time on August 11, 2016. The landlord gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlord provided affirmed testimony and documentary evidence including registered mail customer receipts for both of the tenants that the Notice of Hearing, Application and documentary evidence were served on each of the tenants by registered mail on July 11, 2016.

According to the online registered mail tracking information the female tenant S.A. successfully received and signed for her registered mail package on July 18, 2016, while the male tenant M.M. did not claim his registered mail package. Documents sent by registered mail are deemed served five days after mailing pursuant to section 90 of the *Act*. Based on the above, I find the female tenant S.A. was served on July 18, 2016 when she signed for her registered mail package. I find the male tenant M.M. was deemed served five days after July 11, 2016 which would be July 16, 2016. I note that refusal or neglect on the part of the male tenant to accept a registered mail package does not constitute grounds for an Application for Review Consideration under the *Act*.

Issue to be Decided

- Is the landlord entitled to end the tenancy early and obtain an order of possession?

Background and Evidence

The landlord stated that a month to month tenancy began on December 15, 2015 and that monthly rent was \$650.00 per month and due on the first day of each month.

The landlord submitted in evidence a report from the Vancouver Police Department dated May 16, 2016 which indicates that police calls to the rental unit have increased 1100% from 2015 to 2016. In addition, the highest numbers of calls for 2016 include 20 calls related to "DOMESTIC IN PROGRESS", 13 calls due to "DISTURBANCE" and 5 for "ASSAULT IN PROGRESS".

The landlord presented photos of two large holes in a bedroom, a broken door frame with a door missing, and a broken fence all of which the landlord claims were damaged by the tenants. In addition, the landlord stated that he was pushed by a tenant and asked to leave. The landlord stated that the tenants have broken at least two doors and removed the doors completely. The landlord is concerned that his property will be further damaged by the tenants.

Analysis

Based on the foregoing, the landlord's undisputed documentary evidence and testimony, and on a balance of probabilities, I find and I am satisfied that the tenants, or a person permitted on the residential property by the tenants, have significantly interfered with and unreasonably disturbed other occupants of the residential property and caused extraordinary damage to the residential property.

I am also satisfied that it would be unreasonable and unfair to the landlord or the other occupants to wait for a notice to end tenancy under section 47 of the *Act*.

Therefore, pursuant to section 56 of the *Act*, I grant the landlord an order of possession for the rental unit effective not later than **two (2) days** after service of the Order on the tenants. This order may be enforced through the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*. Pursuant to section 77 of the *Act*, a decision or an order is final and binding, except as otherwise provided in the *Act*.

Dated: August 11, 2016

Residential Tenancy Branch